

**AGENDA
PLANNING COMMISSION
REGULAR MEETING AND
PUBLIC HEARING
DECEMBER 14, 2023, 5:30 PM**

**COMMISSION ATTENDANCE IN PERSON
PUBLIC MAY ATTEND IN PERSON OR
REMOTELY VIA ZOOM**

Join Zoom Meeting:

<https://us06web.zoom.us/j/89173914394?pwd=Y0u1JaMK90a2JeTh1wQb1aLgBkuSco.1>

Meeting ID: 891 7391 4394
Passcode: 373520

One tap mobile
+12532050468,,89173914394#,,,,*373520# US
+12532158782,,89173914394#,,,,*373520# US (Tacoma)

Find your local number: <https://us06web.zoom.us/u/kiU0J4u6h>

WRITTEN PUBLIC COMMENTS

If you wish to provide written public comments for the Planning Commission meeting, please email your comments to erodriguez@medical-lake.org by 2:00 p.m. the day of the commission meeting and include all the following information with your comments:

1. The Meeting Date
2. Your First and Last Name
3. If you are a Medical Lake resident
4. The Agenda Item(s) which you are speaking about

*Note – If providing written comments, the comments received will be acknowledged during the public meeting, but not read. All written comments received by 2:00 p.m. will be provided to the Planning Commission in advance of the meeting.

Questions or Need Assistance? Please contact City Hall at 509-565-5000

- 1) CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL**
 - a) Excused Absences
- 2) ADDITIONS TO AGENDA**
- 3) APPROVAL OF MINUTES**
 - a) November 16, 2023, Meeting minutes
- 4) INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS**
- 5) STAFF REPORTS**
- 6) SCHEDULED ITEMS**
 - a) City Branding Discussion
 - b) Education Packet for New Commission Members – Commissioner Mayulianos
- 7) PUBLIC HEARING – Shipping Containers LU 2022-04 TA**
- 8) COMMISSION MEMBERS’ COMMENTS OR CONCERNS**
- 9) INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS**
- 10) CONCLUSION**



City of Medical Lake
124 S. Lefevre St.
P.O. Box 369
Medical Lake, WA 99022-0369

City Hall: (509) 565-5000 Fax: (509) 565-5008

Parks & Recreation: (509) 565-5007

Police: (Crime Check) (509) 456-2233

PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PARTIES THAT: The Planning Commission of Medical Lake will conduct a Public Hearing regarding an application asking to amend Section 17.42.030 of the Medical Lake Municipal Code entitled "Shipping containers as storage buildings prohibited". The public is encouraged to attend.

Attendees will have the opportunity to publicly comment on the topic in person or by submitting written comments to the contact person below. The public hearing will be held Thursday, December 14, 2023, beginning at 5:30 p.m. during the regularly scheduled Commission Meeting. The meeting will be held in person at City Hall, 124 S. Lefevre Street, Medical Lake, Washington, and remotely via Zoom.

The Zoom link and all pertinent documents can be found per the published Planning Commission Agenda on the city's website: <https://medical-lake.org/>

Individuals planning to attend the meeting who require special assistance to accommodate physical, hearing, or other impairments, please contact City Hall at (509) 565-5000 as soon as possible so that arrangements may be made. Without advance notice, it may not be possible to provide the required accommodation(s).

Submit written comments to:
Elisa Rodriguez, City Planner
erodriguez@medical-lake.org

Published November 30, 2023

Mayor
Terri Cooper

Administrator
Sonny Weathers

Finance Director
Koss Ronholt

Public Works Director
Scott Duncan

Police
County Sheriff

Fire & EMS
SCFD3

City of Medical Lake
124 S. Lefevre Street – City Council Chambers
Planning Commission Meeting
November 16, 2023, Minutes

NOTE: This is not a verbatim transcript. Minutes contain only a summary of the discussion. A recording of the meeting is on file and available from City Hall.

- 1) **CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL**
 - a) Commissioner Hudson called the meeting to order at 5:30 pm, led the Pledge of Allegiance, and conducted roll call. Commissioner Munson was present via Zoom, and all other members were present in person.
- 2) **ADDITIONS TO AGENDA**
 - a) No additions. Motion to approve agenda as written made by commissioner Mark, seconded by commissioner Jorgenson, carried 5-0.
- 3) **APPROVAL OF MINUTES**
 - a) October 26, 2023, minutes.
 - i) Motion to approve made by commissioner Mark, seconded by commissioner Jorgenson, carried 5-0.
- 4) **INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS**
 - a) Tammy Roberson, resident of Medical Lake – spoke about branding discussion, Planning Commission priorities, and the Critical Areas Ordinance. See Attachment A.
- 5) **STAFF REPORTS**
 - a) Elisa Rodriguez, City Planner, asked commissioners for any questions. Commissioner Mayulianos inquired about the Martin Street wetland silt fence issue. Mrs. Rodriguez is working with the owner on the issue.
- 6) **SCHEDULED ITEMS**
 - a) Groundwater Study Update – Medical Lake City Councilmember Chad Pritchard
 - i) Councilmember Pritchard gave a presentation. See attachment B.
 - b) City Branding Discussion
 - i) Commissioner Munson reviewed the discussion from the last Commission meeting. Touched on various events that could be used as part of the branding process (Christmas Festival, July 4th, etc.). Looked at various European towns. Asked commissioners if they were interested in him pursuing any further. Commissioners discussed options for branding and whether to continue research on the topic.
 - ii) Motion to continue the discussion to the next meeting made by commissioner Hudson, seconded by commissioner Jorgenson, carried 5-0.
 - c) Education Packet for New Commission Members – Commissioner Mayulianos
 - i) Reviewed documents handed out. See attachment C. Explained the various documents for the packet. Needs copies of the new zoning map. Asking commissioners to review and bring back suggestions.
 - ii) Motion to continue to next month made by commissioner Mayulianos, seconded by commissioner Jorgenson, carried 5-0.

7) **PUBLIC HEARING**

None

8) **COMMISSION MEMBERS' COMMENTS OR CONCERNS**

- a) Commissioner Mark asked why the storage containers topic was not on the agenda. Mrs. Rodriguez explained that a public hearing must be held again. Scheduled for the December meeting.

9) **INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS**

- a) Tammy Roberson, resident of Medical Lake – shared ADA.gov site, regarding her disability. Spoke on Mangis violations. See attachment A.
- b) Chad Pritchard, resident of Medical Lake – Shared that the West Plains Water Coalition Meeting will be held at The Hub in Airway Heights on December 14th at 7 pm. The next Geo Walk will be December 19th at 1 pm, meeting at Coney Island.

10) **CONCLUSION**

- a) Motion to conclude meeting at 6:40 pm made by commissioner Mayulianos, seconded by commissioner Mark, carried 4-0-1 with commissioner Munson not casting a vote as he had stepped away from his computer.

Date: _____

Roxanne Wright, Administrative Assistant

Comments for 16 Nov 2023 PC Meeting (1st Citizens Comments)

(As Of: 16 Nov 2023)

Good evening, Planning Commissioners and City Officials.

I'm here to talk about two issues:

1. The Planning Commission's monthly discussions of re-branding Medical Lake's image versus staying on task and following up with higher priorities.
2. The latest violations (to include major concerns) regarding the Mangis' project within the required buffer of a Category II wetland. (will be covered during the 2nd citizens comments)

NOTE: Handouts will be sent out via email.

- 1) **The Planning Commission should take a deep look into their priorities before proceeding on after many months of discussing City branding options.**
 - a) Has the Commissioners ever followed up with the City Planner for the status regarding the two missing CAO sections (approved in March 2023 in violation of the GMA)? Don't remember these two amendments coming back to the PC or for that matter to the City Council to be voted on.
 - A. If the City had submitted this as their project in higher education, I wonder what their final grade would be?
 - B. It is not a good principle or policy to approve something when one knows it is incomplete to begin with (even to be eligible to receive grant monies).
 - b) Since Mr. Mangis has only received a so-called "slap on the hand" per say for repeated environmental violations, maybe it's now time for the Commissioners to amend the CAO with stronger enforcement polices (to include hefty fines) especially when the City is proposing to increase our property taxes by 4% but allows developers and businesses to break the rules repeatedly without any financial accountability which is definitely costing the City at the taxpayer's expense.

NOTE: What is wrong with this picture? Believe it or not, all this starts with the PC...

- A. There were eight CAO amendments which were proposed and were legally sound but denied (March 2023) ... BTW - **Amendment #5 had ensured the City would have had sufficient enforcement authority.**
- B. Should not the Commissioners start working on stopping these repeated environmental violations with amendments in addition to updating the Comprehensive Plan and SMP?
- c) Should not the Commissioners look at updating MLMC Chapter 2.44 Planning Commission (last updated in 1956 and 1995) to include adding some goals on how to become an effective Planning Commission?
- d) Should not the Planning Commission have first sent out a survey to the City of Medical Lake residents to see if they actually want to re-brand our quaint little City (which has a country like atmosphere) prior to going into monthly discussions and wasting valuable time and energy? I have not received any such surveys.
 - A. There are many more residents in this town than businesses (to include our incorporated City government which is really a business corporation). These folks only want to see their bottom lines or the City's revenues/taxes increased.
 - B. As in everything in life, there are pros and cons to this re-branding but it should be based on what the majority wants and not what the local businesses or the City's CEO -- Mayor (includes the PC/City Council) wants.

- C. Not sure if this re-branding will even work since the City has actually acted extremely unprofessional and bias towards outside visitors (professionals/experts) not to mention their own residents because word of mouth travels very quickly and is still the best marketing tool (along with social media). Bad public relations go a long way and it is very hard to recover from this.
- ❑ I am just wondering how the City plans to have more folks come here to live by doing this?
 - ❑ This City will definitely need to improve on their attitudes/responses (especially when they do not agree with “bright” qualified professionals/experts who provide factual information and express different viewpoints from the City’s in order for these folks to want to make Medical Lake their home.
 - ❑ If the City (a business) is running properly, there will be no reason to do any branding in order to draw more folks in. Word of mouth remains the City’s best marketing tool – all proposed goals plus more will be met.
 - ❑ If the City (a business) is not running efficiently, then yes, a re-branding slogan will need to be looked into. Although, this will not still change the City (a business) from being poorly operated. It will just cost the taxpayers more...
 - ❑ Why not fix these issues first which will have to be eventually done anyway? Ignoring the issues will not make them go away but instead, they will become larger issues than they were initially.
- D. Finally, the issue in regards to the latest branding goals mentioned dealing with Medical Lake’s proposed theme of “Medical Lake is for Lovers” -- this definitely brings back visions of “Flower Power” from the 60s and 70s.

** The timer went off after 5 minutes, I requested an ADA accommodation for additional time (approximately 3 more minutes (if needed)) due to my speech impairment, but the Chair (Mark Hudson) denied me this request stating I was not eligible for this particular ADA accommodation because it was not one of two auxiliary aids or services or something to this effect. I tried to point out the ADA reference which I had a hard copy of, but he told me to go sit down and did not want to hear it. So, I sat down. **

- ❑ BTW - This term later became generalized as a reference to the hippie movement and so-called counterculture of drugs, psychedelic music/art and social permissiveness.
- ❑ Is this actually what the Commissioners want Medical Lake to eventually be and known as?
- ❑ Are not the Commissioners a little more creative than using the same themes as others have used (which is kind of like plagiarism to some degree)?
- ❑ If Medical Lake is going to have a so-called theme/image, should it not be unique and not like everyone else’s? BTW - What does “love” have to do with the lake (our namesake) itself?

Thank you for your valuable time.

Tammy M. Roberson

Letter on Record – 16 Nov 2023 (PC) Meeting

(As Of: 16 Nov 2023)

Good evening, Planning Commissioners and City Officials.

This letter will inform the Planning Commission on the following two issues:

1. The Planning Commission’s monthly discussions of re-branding Medical Lake’s image versus staying on task and following up with higher priorities.
2. The latest violations (to include major concerns) regarding the Mangis’ project within the required buffer of a Category II wetland.

1) **The Planning Commission should take a deep look into their priorities before proceeding on after many months of discussing City branding options.**

a) Has the Commissioners ever followed up with the City Planner for the status regarding the two missing CAO sections (geologically hazardous and aquifer recharge areas) approved in Mar 2023 in violation of the GMA? Don’t remember these two amendments coming back to the PC or for that matter to the City Council to be voted on.

A. If the City had submitted this as their project in higher education, I wonder what their final grade would be?

B. It is not a good principle or policy to approve something when one knows it is incomplete to begin with (even to be eligible to receive grant monies).

b) Since Mr. Mangis has only received a so-called “slap on the hand” per say for repeated environmental violations, maybe it’s now time for the Commissioners to amend the CAO with stronger enforcement polices (to include hefty fines) especially when the City is proposing to increase our property taxes by 4% but allows developers and businesses to break the rules repeatedly without any financial accountability which is definitely costing the City at the taxpayer’s expense.

NOTE 1: What is wrong with this picture? Believe it or not, all this starts with the PC...

NOTE 2: Businesses and developers already know before they come here, that the City does not have good enforcement policies; therefore, why should they comply with MLMC in the first place?

NOTE 3: Yes, by not enforcing the rules on businesses/developers, this will attract more of them.

NOTE 4: Although, the question should be, does the City of Medical Lake really want these types of folks who do not follow or play by the rules?

A. The following proposed eight amendments were legally sound but denied (March 2023) ...

Amendment #4 had ensured the City left a written record of delineation decisions.

Amendment #5 had ensured the City had sufficient enforcement authority.

Amendment #6 had ensured experts determined wetland boundaries.

Amendment #7 had made it clear that buffer averaging must improve wetland protections.

Amendment #8 had allowed front yard size to decrease to facilitate buffer size.

Amendment #3 had ensured the City left a record of any decision to accept “less information.”

Amendment #2 had ensured the City left a complete record of decision making.

Amendment #1 had reintroduced the 15’ building setback requirement.

B. Add an amendment to the MLMC (CAO) requiring an erosion and sediment control plan (part of the CSWGP) when it is necessary to prevent construction pollutants from entering the waters of the state.

- C. Should not the Commissioners start working on stopping these repeated environmental violations with amendments to the CAO/MLMC, in addition to updating the Comprehensive Plan and SMP before the City is once again past the State's required due dates to possibly?
- D. After all, isn't Mother Nature (to include wetlands) one of the reasons folks come to Medical Lake? Well, if something is not done soon --- once our natural environment is destroyed, it is gone forever.
- c) Should not the Commissioners look at updating MLMC Chapter 2.44 Planning Commission (last updated in 1956 and 1995) to include adding some goals on how to become an effective Planning Commission?
- d) Should not the Planning Commission have first sent out a survey to the City of Medical Lake residents to see if they actually want to re-brand our quaint little City (which has a country like atmosphere) prior to going into monthly discussions and wasting valuable time and energy? I have not received any such surveys.
- A. There are many more residents in this town than businesses (to include our incorporated City government which is really a business corporation). These folks only want to see their bottom lines or the City's revenues/taxes increased.
- B. As in everything in life, there are pros and cons to this re-branding but it should be based on what the majority wants and not what the local businesses or the City's CEO – Mayor (includes the PC/City Council) wants.
- C. Not sure if this re-branding will even work since the City has actually acted extremely unprofessional and bias towards outside visitors (professionals/experts) not to mention their own residents because word of mouth travels very quickly and is still the best marketing tool (along with social media). Bad public relations go a long way and it is very hard to recover from this.
- I am just wondering how the City plans to have more folks come here to live by doing this?
 - This City will definitely need to improve on their attitudes/responses (especially when they do not agree with "bright" qualified professionals/experts who provide factual information and express different viewpoints from the City's in order for these folks to want to make Medical Lake their home.
 - If the City (a business) is running properly, there will be no reason to do any branding in order to draw more folks in. Word of mouth remains the City's best marketing tool – all proposed goals plus more will be met.
 - If the City (a business) is not running efficiently, then yes, a re-branding slogan will need to be looked into. Although, this will not still change the City (a business) from being poorly operated. It will just cost the taxpayers more...
 - Why not fix these issues first which will have to be eventually done anyway? Ignoring the issues will not make them go away but instead, they will become larger issues than they were initially.
- D. Finally, the issue in regards to the latest branding goals mentioned dealing with Medical Lake's proposed theme of "Medical Lake is for Lovers" -- this definitely brings back visions of "Flower Power" from the 1960s and 1970s.
- BTW - this term later became generalized as a reference to the hippie movement and so-called counterculture of drugs, psychedelic music/art and social permissiveness.
 - Is this actually what the Commissioners want Medical Lake to eventually come to be?
 - Are not the Commissioners a little more creative than using the same themes as others have used (which is kind of like plagiarism to some degree)?
 - If Medical Lake is going to have a so-called theme, should it not be unique and not like everyone else's? BTW - What does "love" have to do with the lake (our namesake) itself?

1) Latest violations (to include major concerns) concerning the Mangis project (entirely within a required Category II wetland buffer):

- a) This project has had a troubled start from the very beginning with many violations occurring even before the foundation is underway. To make matters worse, the wetland's boundary was never identified.

- A. Initially no silt fence prior to removing the Ponderosa Pine branches.
 - B. Silt fence later installed but still not in compliance as of 16 Nov 2023.
 - C. Ponderosa Pines did not fall within the silt fencing (although, once the City told the contractor to get his act together then the last tree was taken down and landed properly within the silt fence).
 - D. Contractor knew this before the City “scolded” him.
 - E. Contractor blocked N Martin St whereby the local residents could not get to or leave their residences or for that matter the Fire Dept/EMS could not get through, if there was an emergency.
- b) The project currently still has violations which have not been corrected from Day 1:
- A. Silt fencing has not been extended or repaired as of 16 Nov 2023.
 - B. Bare soil left uncovered as of 16 Nov 2023.
 - C. It rained all day on Saturday (4 Nov) and on yesterday (15 Nov) with no inspections even being done afterwards.
- c) 1st major concern regarding this construction site:
- A. To save this small unique Category II wetland from construction pollutants (i.e., sediments, etc) from entering state waters because we have amphibians laying eggs.
 - B. Sediments will smother their eggs (see attachment #1 for a cute long-toed baby salamander).
 - C. Given the short distance from the construction site and its slope, it is no doubt a certainty that sediments will flow down into the waters of the state (creating water quality issues).
- d) 2nd major concern regarding this construction site:
- A. Property owner will stockpile materials and leave a big debris pile on the site (required buffer).
 - B. Construction materials contain a lot of pollutants which are not good for the wetland waters.
 - C. Construction activities at this site have a greater potential to violate water quality standards.
- e) **Requesting the City of Medical Lake require the property owner to stockpile all materials and use dumpsters for getting rid of debris materials plus keep all construction materials and dumpsters off site. This will help to keep pollutants (i.e., sediments) from entering the wetland waters especially to protect our long-toed baby salamanders from extinction and allow them to grow and flourish.**
- f) More than likely, the owner will continue to have more violations since he knows that the City is unable to enforce their CAO as previously and continuously demonstrated.
- g) These issues are serious and there should be **no margin of error** allowed by the City for the contractor and property owner at this site. The City is responsible to ensure the CAO and the approved final Notice of Application decision requirements are followed to a “T” from the very beginning (not after the violation takes place). If the City cannot enforce their own rules, then it is time to make a much-needed change.

May God’s grace and protection be with our wetlands and the future of Medical Lake.

Thank you for your valuable time.



Tammy M. Roberson, MBA
 SMSgt USAF Retired
 Disabled Veteran (100% service connected)
 Concerned ML Resident/Wetland Owner and Advocate

Attachment #1: Photo of baby long-toed salamander from the Brooks/N Martin Category II Wetland (1 page).

Subject: my student had a picture
From: "Lefcort, Hugh" <lefcort@gonzaga.edu>
Sent: 06/29/2023 08:39:47
To: "Tammy Roberson" <tmroberson61@gmail.com>;



Comments for 16 Nov 2023 PC Meeting (2nd Citizens Comments)

(As Of: 16 Nov 2023)

** At this time, I told the Chair he might want to review the ADA.gov website "ADA Requirements: Effective Communication."

The Chair then stated I needed to give him proof (something like an ADA permit or possibly a letter from ADA which I have never heard of). I told him my speech impediment was documented in my medical records since 2020 (I think) and I would give him a copy of this but he said he did not want these records... He repeatedly said he could not take my word but needed proof but he was unwilling to take a copy of my medical records.

There is no such thing as getting an approval letter or permit or whatever from the ADA regarding having a speech impediment in being able to receive an ADA accommodation. The Chair does not know what he is talking about.

I stated to the Chair that I will file an official ADA complaint with the City of Medical Lake and also online.

He was extremely bias and rude towards me (especially since I was the only resident who showed up).

I think he also mentioned that I needed to give advance notice which is also not correct (although, I have already asked for this accommodation previously so it should not be a surprise). **

As stated previously, here is the last issue.

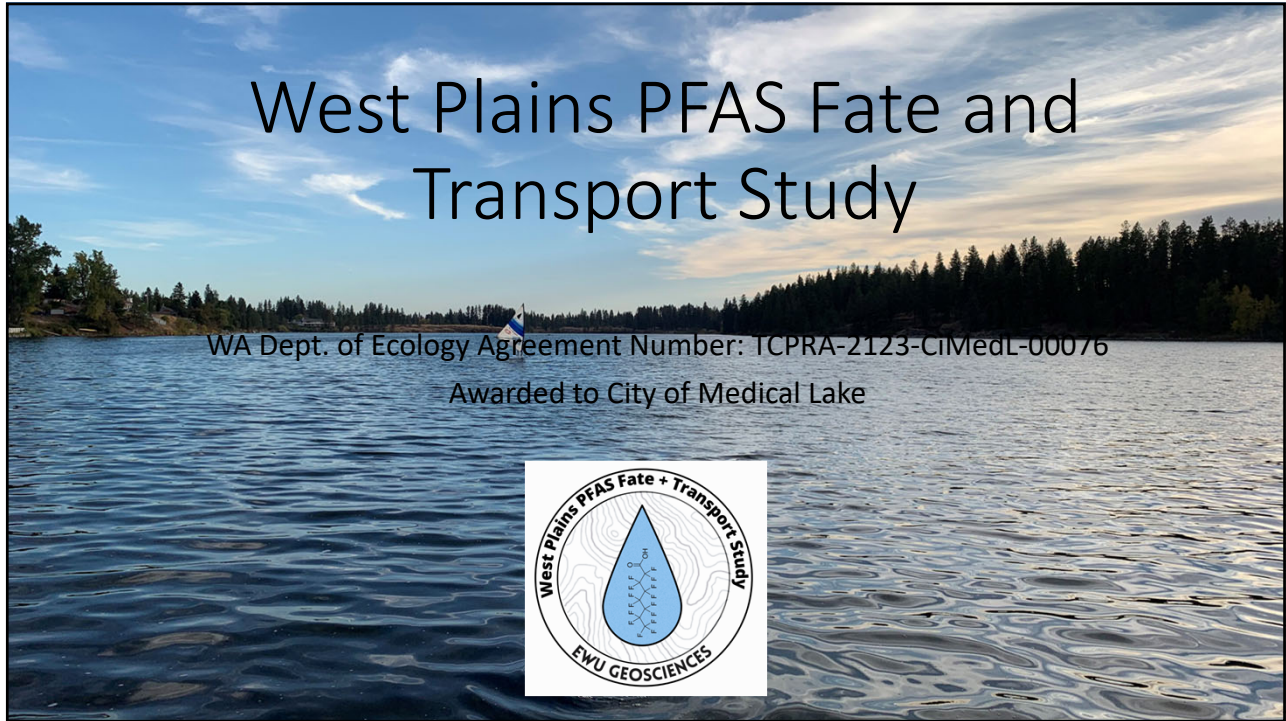
2) Latest violations (to include major concerns) regarding the Mangis project (entirely within a required Category II wetland buffer):

- a) As you already know, this project has had a troubled start from the very beginning with many violations occurring even before the foundation is underway. To make matters worse, the wetland's boundary was never identified.
- b) Are you currently aware this project still has violations which have not been corrected from Day 1?
 - A. Silt fencing has not been extended or repaired as of 16 Nov 2023.
 - B. Bare soil left uncovered as of 16 Nov 2023.
 - C. It rained all day on Saturday (4 Nov) and yesterday (15 Nov) with no inspections even being done afterwards.
- c) 1st major concern regarding this construction site:
 - A. To save this small unique Category II wetland from construction pollutants (i.e., sediments, etc) from entering state waters because we have amphibians laying eggs.
 - B. Sediments will smother their eggs (see attachment #1 for a cute long-toed baby salamander).
 - C. Given the short distance from the construction site and its slope, it is no doubt a certainty that sediments will flow down into the waters of the state (creating water quality issues).
- d) 2nd major concern regarding this construction site:
 - A. Property owner will stockpile materials and leave a big debris pile on the site (required buffer).
 - B. Construction materials contain a lot of pollutants which are not good for the wetland waters.
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- e) **Requesting the City of Medical Lake require the property owner to stockpile all materials and use dumpsters for getting rid of debris materials plus keep all construction materials and dumpsters**

off site. This will help keep pollutants (i.e., sediments) from entering the wetland waters especially to protect our long-toed baby salamanders from extinction and allow them to grow and flourish.

- f) These issues are serious and there should be **no margin of error** allowed by the City for the contractor and property owner at this site. The City is responsible to ensure the CAO and the approved final Notice of Application decision requirements are followed to a “T” from the very beginning (not after the violation takes place). If the City cannot enforce their own rules, then it is time to make a much-needed change.

Tammy M. Roberson



1

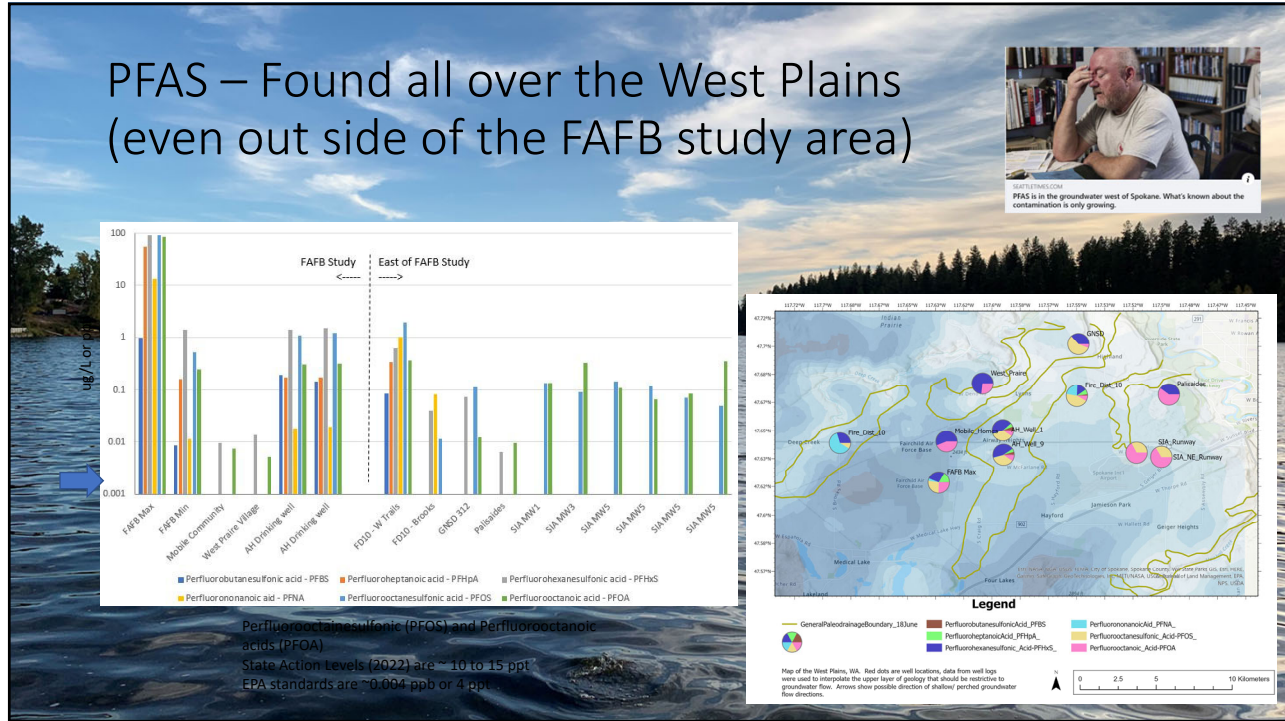
Why are we doing this study?

1. Understand hydrogeology of the region, how does Medical Lake influence regional groundwater? Identify likely areas of PFAS contamination across the West Plains.

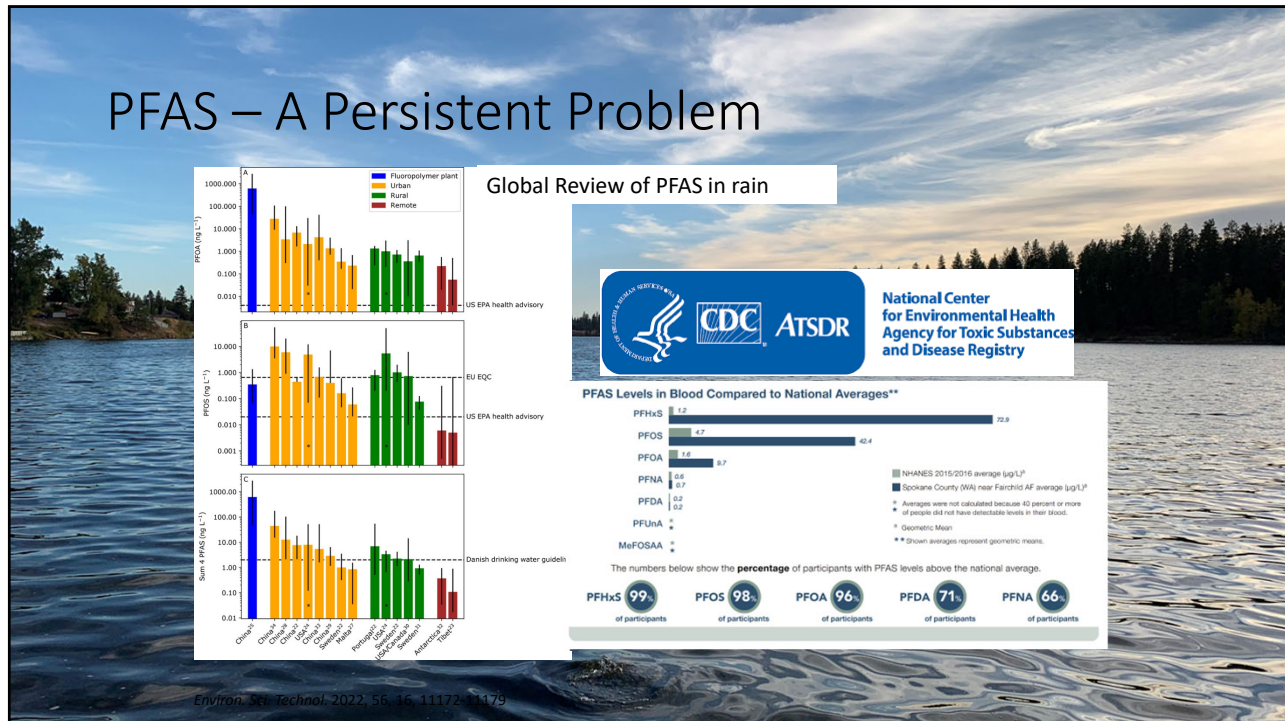
Known by the acronyms PFOS and PFOA, the perfluorinated chemicals were key ingredients in a firefighting foam, as well as Teflon, Scotchguard and other consumer products. They degrade slowly in the environment and have been linked to an array of health defects, including high cholesterol, immune system and thyroid disorders, and certain types of cancer.

Source: EPA PFAS

2

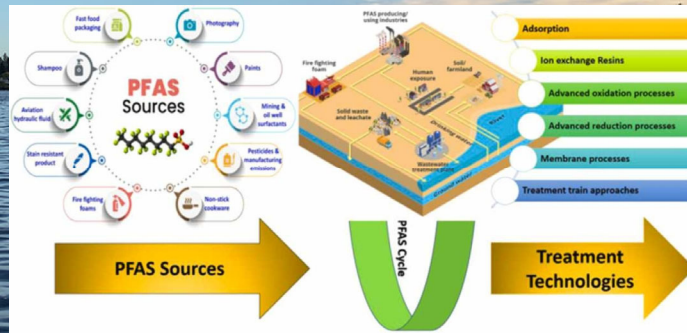


3



4

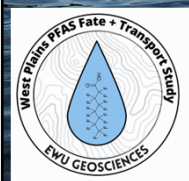
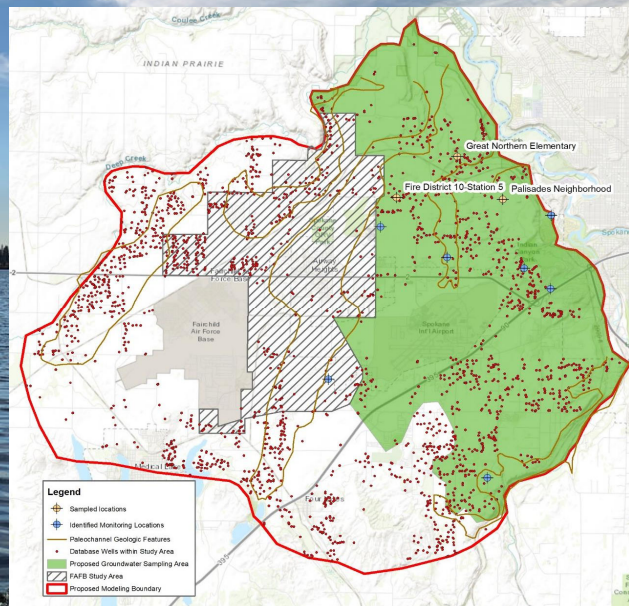
PFAS – There are fixes – but need to know where the contamination is...



<https://doi.org/10.1016/j.cherd.2022.04.009>

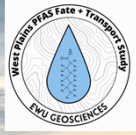
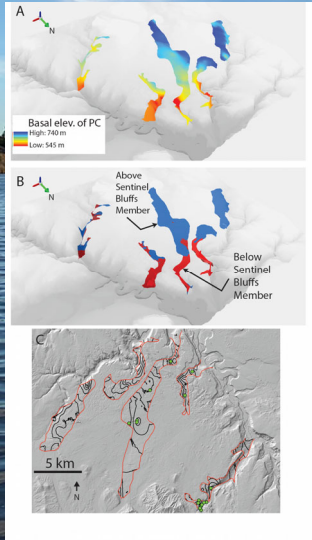
5

Where are we doing the study?



6

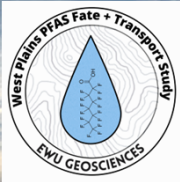
What are we doing?


- \$450,000 Ecology grant over 2-years. Needed to be to a regional government
 - \$50,000 to City for administration
- Build a 3D model of the area
- Identify the orientation of rock types that control groundwater flow
- Sample 30 locations four times over a year. PFAS, Temp, DO, pH
- Use results to calibrate the groundwater model for each season to track PFAS transport.
- Attempt to use statistics to identify source of PFAS

7

When are we doing the study?



- Now until Spring of 2025
- Winter 2023 – Build Model in MODFLOW (GMS)
- Spring through Fall 2024 – sample 30 locations
 - Water Wells
 - Medical Lake, Willow Lake, Deep Creek, Indian Canyon Creek, Spokane River
 - A couple local wetlands
 - Rain at Rambo Road NOAA
 - Wastewater Reclamation Facility in Medical Lake...
- Evaluate model – Winter 2024
- Write report by Spring 2025, all will be available on-line (TBD)
- Attend community events the whole time,
 - see you at Founders Day!©



8

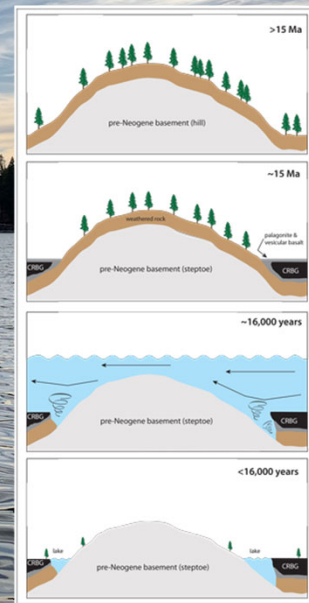
Thank You!

Some last thoughts:

- Anatek Lab is a great lab to test for PFAS in water, about \$475 for EPA Method 333
- Certified water filters are recommended by the DOH if you are concerned about PFAS contamination, great website <https://doh.wa.gov/community-and-environment/contaminants/pfas>
- West Plains Water Collation is an active community group.
- Medical Lake has tested PFAS in their wells and they are non-detect to my knowledge

Questions?

Chad J. Pritchard, PhD, LG, Professor @ EWU Geosciences, cpitchard@ewu.edu
 - or for more city related questions - City Council Member #7, cpitchard@medicallake.org





City of Medical Lake Planning Department
124 S. Lefevre St.
Medical Lake, WA 99022
509-565-5000
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STAFF REPORT TO THE PLANNING COMMISSION

File: LU 2022-004 TA (Text Amendment)

Date of Staff Report: December 7, 2023

Date of Hearing: December 14, 2023

Staff Planner: Elisa Rodriguez 509-565-5019 or erodriguez@medical-lake.org

SEPA: Mitigated Determination of Non-Significance issued on March 8, 2023

Procedure: This request requires a legislative review, therefore, the Planning Commission will hold a public hearing, then make a recommendation to the City Council. The City Council will make the final decision. For this application, the Planning Commission made a recommendation to the City Council in March. The City Council, as a response to citizen comment in a public hearing, requested significant changes to the proposed language. They are now requesting the Planning Commission make a new recommendation based on the revised language.

Applicant: Larry Stoker, Monark Self Storage, 711 Highway 902, Medical Lake, WA 99022

Proposal Summary: The applicant proposed to amend section 17.42.030 – Shipping containers as storage buildings prohibited, of the Medical Lake Municipal Code to allow shipping containers in the Commercial (C-1) zone as long as they meet certain requirements. Through the review process, the proposed language has changed to only allow shipping containers on sites with mini-storage facilities and schools.

PROPOSAL

The applicant has asked to change MLMC Section 17.42.030 – Shipping containers as storage buildings prohibited. The proposed language below was developed by staff. In addition to the section regulating shipping containers, the proposed language includes new definitions and a zoning permit process.

(current text)

Unless otherwise permitted by this title, no person shall place or cause to be placed, or use or permit the use of any shipping container as an accessory building, storage building, living unit or any other such primary or accessory building upon any property within the city limits of Medical Lake; provided, that licensed and bonded contractors may utilize said containers for temporary housing of equipment and/or materials during construction as authorized by a city building permit. For the purposes of this chapter, "shipping container" is defined as any container or other device used or designed for use in the transportation industry.

(proposed text)

Section 1. Amendment. There is hereby added to the MLMC, Chapter 16.03 – Zoning Permits as follows:

Chapter 16.03 – ZONING PERMITS

16.03.010 – Purpose

The purpose of a zoning permit is to provide a permitting process for development that does not require a building permit, yet still necessitates approval per Title 17 – Zoning.

16.03.020 – Applicability

Development that is exempt from the building code shall be reviewed by the Planning Official for conformance with Title 17 – Zoning.

16.03.030 – Fees

Zoning permit fees will be set by the City Council.

16.03.040 – Application

The owner or agent of the property shall submit two copies of a site plan and any other plan or documentation necessary to demonstrate how the regulations of Title 17 are being satisfied.

16.03.050 – Approval

When the proposal is deemed compliant with Title 17, the Planning Official shall issue a permit.

16.03.060 – Inspection

The Planning Official will conduct one or more inspections to verify the development meets the approved plans. For each inspection, the Planning Official will provide, in writing, the status of the development in relation to the approved plans.

16.03.070 – Final

When the approved development is complete, inspected, and found to meet the standards of Title 17, the Planning Official will issue a letter stating the permit is completed.

16.03.080 – Expiration

An approved zoning permit is valid for 180 days. If the approved development is not commenced within such time, the permit is considered expired. If the work has commenced, but is not finished, the Planning Official may issue one or more extensions to the permit.

16.03.090 – Enforcement

If a property owner or agent commences work without the benefit of a required zoning permit, the Code Enforcement Officer will provide, in writing, a stop work order. The property owner or agent will be given the option to undo any unapproved development or apply for a zoning permit. If the property owner or agent does not comply, procedures of Chapter 1.01 – Code Adoption, will be followed.

Section 2. Amendment. There is hereby added to the MLMC Chapter 17.08 – Definitions as follows:

17.08.081 – Development.

All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities.

17.08.220.1 – Planning Director.

The Planning Director, or designee.

17.08.220.2 – Planning Official.

The city official(s) appointed or retained by the city to administer and enforce this title and associated regulations and other such codes and regulations as the city may so designate.

17.08.240 – Storage Containers.

Self-contained structures that are standardized, reusable, and portable. They are meant for the storage of personal or commercial goods. They are available in a variety of sizes and made from a variety of materials. For the purpose of this Title, storage containers are further defined as Shipping Containers or Moving Containers as described below.

Shipping Containers are storage containers that are built as standard sized boxes made of steel, used to store and transport goods from one place to another via cargo ship. These are also referred to as cargo containers or Conex containers.

Moving Containers are storage containers meant for temporary storage of personal items. These containers are typically made of a light metal or wood.

Section 3. Amendment. Section 17.39.015 – Signs of the MLMC is hereby amended to add (e.1) as follows:

(e.1) “Logo” means a symbol or other design adopted by an organization to identify its products, uniform, vehicles, etc.

Section 4. Amendment. Section 17.42.030 of the MLMC is hereby amended to read as follows:

17.42.030 STORAGE CONTAINERS

- A. Purpose. These regulations are to allow for economical, secure storage of dry goods while addressing potential aesthetic impacts on the City.
- B. During Construction. One or more storage containers may be placed on a site in any zone for storage of materials, construction tools, and equipment, only during an active building permit.
- C. Moving Containers. Moving Containers may be placed on site without a permit for up to 30 days.
- D. Shipping Containers and similar storage containers. Schools and mini-storage facilities may have storage containers for the sole purpose of dry storage. Schools may have up to four (4) shipping containers. Mini-storage facilities may have up to 15% of the total number of storage units as shipping containers. Prior to placement, containers must be approved through a zoning permit, per Chapter 16.03 – Zoning Permits. The following standards must be met.
 - 1. Each container shall not be more than 200 square feet.
 - 2. A container shall not be closer to the street of address than the primary building.
 - 3. No utilities shall be connected to the container.
 - 4. All containers shall be screened from neighboring residential uses by a fence or hedge. Fences shall be solid or chain link with slats of no less than six (6) feet in height. Hedges shall be evergreen with a mature height of no less than six (6) feet. No screening is required when the shipping container is placed greater than 200 feet from a property line. If a site is composed of multiple properties, the screening applies only to the outermost property line.
 - 5. All containers shall be in good condition, with no rust, peeling paint, or damage.
 - 6. All containers shall be the same or similar color to the primary building.
 - 7. Each container shall meet the standards of the zone in which it is located.
 - 8. Each container shall meet all other standards for an accessory structure.
 - 9. Containers shall not be placed in any required parking or landscaping.
 - 10. Containers shall not violate any building code or fire code regulation.
 - 11. Containers shall not be placed over a septic tank or drain field.
 - 12. Containers shall not be used as living space.
 - 13. No signs or logos may be placed on top of, attached to, or painted on any container.
 - 14. No containers are allowed in the Central Business District.
 - 15. Containers shall not be stacked.

RELEVANT APPROVAL CRITERIA

In order to be approved, this proposal must comply with the criteria of Chapter 17 of the Medical Lake Municipal Code (MLMC). Amendments to development regulations can be approved if the review body finds that the criteria of MLMC Chapter 17.56.100 have been met.

PROCEDURAL HISTORY

October 26, 2022 – Application Submitted
November 22, 2022 – Application Deemed Complete
January 26, 2023 – Planning Commission Workshop
February 23, 2023 – Planning Commission Workshop
March 8, 2023 – SEPA Determination of Non-Significance Issued
March 8, 2023 – Notice of Application Distributed
March 9, 2023 – Notice of Public Hearing Published in Cheney Free Press
March 23, 2023 – Public Hearing at Planning Commission
March 23, 2023 – Planning Commission Decision
April 18, 2023 – City Council Workshop
April 13, 2023 – Notice of Public Hearing Published in Cheney Free Press
May 2, 2023 – Public Hearing at City Council
June 6, 2023 – City Council Workshop
July 27, 2023 – Notice of Public Hearing Published in Cheney Free Press
August 15, 2023 – Public Hearing at City Council
September 19, 2023 – City Council Workshop for Ordinance 1115
October 3, 2023 – City Council Consideration of Ordinance 1115
October 26, 2023 – Planning Commission Workshop
November 30, 2023 – Notice of Public Hearing Published in Cheney Free Press

ANALYSIS

The current text of section 17.42.030 – Shipping containers as storage buildings prohibited, was adopted in 1999. No copy of this ordinance or its supporting documents has been found. The current text prohibits shipping containers in every situation except for active construction sites where they are allowed for storage. The applicant, after receiving a letter of violation for placing numerous shipping containers on his mini-storage site, applied for this text amendment in hopes of remedying the situation. The proposed text would allow shipping containers on properties that have mini-storage facilities or schools. The proposed text provides standards for the location on the site, size, condition of the container, and screening from other properties. The proposed text limits the number of shipping containers allowed and restricts the use to dry storage.

ZONING CODE APPROVAL CRITERIA

17.56.020 - Purpose.

This section shall apply to initial adoption of the comprehensive plan and subsequent adoption of amendments or additional elements to the comprehensive plan. The purpose of this chapter is to establish a procedure pursuant to the requirements of RCW 36.70A of the Growth Management Act for the amendment or revision of the city comprehensive plan and development regulations.

17.56.100 – Criteria for Regulation of Plan Amendments.

Recognizing that the comprehensive plan was developed and adopted after significant study and public participation, the principles, goals, objectives and policies contained therein shall be granted substantial weight when considering any proposed amendment. Therefore, the burden of proof for justifying a proposed amendment rests with the applicant. The approval, modification or denial of an amendment application by the planning commission shall be evaluated on the following criteria:

1. The amendment is necessary to resolve inconsistencies between the comprehensive plan and implementing ordinances, or inconsistencies between the plan or ordinances and local, state or federal mandates.

Findings: The proposed text amendment does not intend to resolve any inconsistencies between local, state, or federal plans or regulations. Therefore, **this criterion is not applicable.**

2. The amendment of the plan and/or the development regulations will further the implementation of the comprehensive plan and resolve inconsistency between the two in a manner that will not adversely impact the general public health, safety, and/or welfare.

Findings: The Medical Lake Comprehensive Plan does not specifically address the placement of shipping containers within the City Limits. The current Medical Lake Municipal Code states that shipping containers are prohibited except when used for storage at active construction sites. The proposed text amendment is to allow shipping containers on sites with mini-storage facilities and schools.

The applicant has stated in his response to the criteria that the “skyrocketing” cost of building supplies has led him and other business owners to prefer shipping containers for storage due to their lower cost. According to the Association of Builders and Contractors, building materials have increased by approximately 40% since the beginning of the pandemic.

The Comprehensive Plan does not have a goal that specifically pertains to existing businesses. Goals mention an adequate supply of land for new development, the widening of employment opportunities, and attracting more recreation and tourism businesses. The chapter pertaining to economic development states that an issue for Medical Lake is, “maintaining and enhancing economic vitality.” However, this is not expanded upon.

The appearance of the community is a consistent theme throughout the Comprehensive Plan. Goal #1 of the Comprehensive Plan states, “Maintain an attractive and balanced mix of land uses, ensuring the future character of the community.” Goal #25 states, “Manage the city’s overall image and enhance its overall appearance to convey pride and ownership in the community.

Shipping containers, having been built for durability in transportation, have a very unique look that is difficult to disguise. This aesthetic is considerably different from those businesses and residences in the community. Allowing shipping containers, even if only on sites with mini-storage facilities and schools, has the potential of causing a significant and negative change to the overall appearance of Medical Lake. Hence, this proposal is not further implementing the comprehensive plan and **this criterion is not met.**

3. Conditions have changed so much since the adoption of the comprehensive plan on factors such as, but not limited to population, employment, housing, transportation, capital facilities, or economic conditions that the existing goals, policies, objectives and/or map classifications of the comprehensive plan or development regulations are inappropriate.

Findings: The Medical Lake Comprehensive Plan was updated in 2019. Since that time, Medical Lake, like the rest of the world, has experienced the repercussions of the COVID-19 pandemic. The Comprehensive Plan does not address many of the results from the pandemic. One of these is the economic conditions for construction. The price of materials, delays in supply chains, and labor shortages have led to an increased cost in construction. According to the applicant, “Since 2019 the costs on new buildings and materials has skyrocketed. Lumber up 400%, metal up 250%. Fuel & shipping up 250%. Allowing newer shipping containers for commercial storage purposes help us and small businesses in Medical Lake obtain strong, quality storage units at under half of the cost of new construction.” Considering the Comprehensive Plan and Municipal Code were written in better economic times, it is reasonable to look at shipping containers as a cheaper alternative to storage buildings.

However, despite the economic struggles of local businesses to provide storage space at a reasonable price, that does not change the goals in the Comprehensive Plan that speak to appearance of the community. As stated in the findings of criterion #2, there is a running theme in the Comprehensive Plan that demonstrates the importance of attractive appearance to the community. Conditions have not changed in such a way that Medical Lake is willing to forsake its character for the benefit of storage. For these reasons, **the criterion is not met.**

4. Substantial conditions exist where the available supply of forecasted lands for residential, commercial, industrial, recreation or agriculture have been absorbed and there is insufficient land available for a twenty-year supply.

Findings: The proposed text amendment is not asking to change any zoning designations or increase the amount of land within the city. Hence, there is no change to the 20-year land supply. For this reason, **this criterion is met.**

5. If the comprehensive plan amendment proposal involves extension of water and/or sewer services outside of the urban growth boundary, the following additional criteria must be met:
 - a. The proposal must be in response to an immediate threat to public health or safety;
 - b. The proposal is necessary for the protection of the aquifer(s) designated pursuant to RCW 36.70.A170; and
 - c. The proposal is necessary to maintain existing levels of service in existing urban or suburban developments.

Findings: The proposed text amendment does not involve the extension of water and/or sewer services outside of the urban growth boundary, therefore, **this criterion is not applicable.**

6. The proposed amendment is consistent with the overall intent of the goals of the comprehensive plan.

Findings: The Comprehensive Plan does not have a goal that specifically pertains to existing businesses. Goals mention an adequate supply of land for new development, the widening of employment opportunities, and attracting more recreation and tourism businesses. The chapter pertaining to economic development states that an issue for Medical Lake is, “maintaining and enhancing economic vitality.” However, this is not expanded upon.

The appearance of the community is a consistent theme throughout the Comprehensive Plan. Goal #1 of the Comprehensive Plan states, “Maintain an attractive and balanced mix of land uses, ensuring the future character of the community.” Goal #25 states, “Manage the city’s overall image and enhance its overall appearance to convey pride and ownership in the community.”

Shipping containers, having been built for durability in transportation, have a very unique look that is difficult to disguise. This aesthetic is considerably different from those businesses and residences in the community. Allowing shipping containers, even if only on sites with mini-storage facilities and schools, has the potential of causing a significant and negative change to the overall appearance of Medical Lake. Hence, this proposal is not further implementing the comprehensive plan and **this criterion is not met.**

7. The proposed amendment is consistent with RCW 36.70A, the Growth Management Act, the county-wide planning policies and applicable multicounty planning policies.

Findings: Neither the Growth Management Act nor the Spokane County Countywide Planning Policies speak directly to the subject of shipping containers. The planning goals of the Growth Management Act states we should, “promote the retention and expansion of existing businesses.” The statement of principals in the Countywide Planning Policies speaks to both the unique character of each community and the need to maintain the economic vitality of those communities. The proposed text amendment does not create any inconsistencies with the Growth Management Act or the Spokane County Countywide Planning Policies, therefore, **this criterion is met.**

8. Where an amendment to the comprehensive plan map is proposed, the proposed designation is adjacent to property having a similar and compatible designation.

Findings: The proposal does not include amendments to the comprehensive plan map, therefore, **this criterion is not applicable.**

9. Public facilities, infrastructure and transportation systems are present to serve the intended amendment or provisions have been made in accordance with the comprehensive plan to provide the necessary facilities.

Findings: The proposed text amendment to allow shipping containers on sites with mini-storage facilities or schools, is only applicable on sites that are already developed. The text specifies that the shipping container is an accessory structure, therefore not the primary building on the site. Being accessory in nature, the placement of shipping containers is unlikely to have a significant impact on the public facilities, infrastructure, and transportation system. For these reasons, **this criterion is met.**

10. The proposed amendment is complimentary and compatible with adjacent land uses and the surrounding environment.

Findings: The proposed text amendment is to allow shipping containers on sites with mini-storage facilities or schools. Shipping containers have a unique design as a result of their use in the transportation industry. This steel box aesthetic is difficult to disguise in a community of mainly wood construction. Allowing shipping containers, even if only on sites with mini-storage facilities and schools, is not complimentary to adjacent land uses. For this reason, **this criterion is not met.**

11. The proposed amendment does not adversely affect lands designated as agricultural and/or resource lands of long term commercial significance or critical areas.

Findings: The proposed text amendment is to allow shipping containers on sites with mini-storage facilities or schools. The City of Medical Lake does not have land that is designated agricultural and/or resource lands of long-term commercial significance. Properties that have critical areas will be subject to chapter 17.10 – Critical Areas of the Medical Lake Municipal Code. Hence, the proposal does not adversely affect these resources and, therefore, **this criterion is met.**

CONCLUSION

The proposed text amendment to allow shipping containers on sites with mini-storage facilities or schools is the applicant's response to increased building material costs. The City recognizes the Comprehensive Plan and the Municipal Code do not take into account changes in the economy due to the COVID-19 pandemic. While sympathizing with local businesses, shipping containers have a distinct industrial look that is not compatible with development in Medical Lake. To allow shipping containers would be in contradiction to the Comprehensive Plan mandate of maintaining an attractive community. For this reason, this application cannot be approved.

RECOMMENDATION

The approval criteria set out in MLMC 17.56.100 have been reviewed and completed. Therefore, the planning official recommends that the Planning Commission deny the proposed text amendment to Section 17.42.030 of the Municipal Code.

The Planning Commission may choose to do one of the following:

Recommend denial of the proposed text amendment as presented in the staff report.

Recommend approval of the proposed text amendment, as written, with a statement of how the approval criteria are met.

Recommend approval of the proposed text amendment, with changes and a statement of how these changes allow the approval criteria to be met.

EXHIBITS (not attached)

A. Application Materials

1. Letter from Applicant
2. Proposed Language
3. SEPA Checklist
4. Response to Approval Criteria
5. Zoning Map

B. Public Notifications

1. Notice of Application, March 8, 2023
2. Legal Notice, Published in Cheney Free Press on March 9, 2023
3. Legal Notice, Published in Cheney Free Press on April 13, 2023
4. Legal Notice, Published in Cheney Free Press on July 27, 2023
5. Legal Notice, Published in Cheney Free Press on November 30, 2023

C. Meeting Minutes

1. Planning Commission, December 15, 2022

2. Planning Commission, January 26, 2023
 3. Planning Commission, February 23, 2023
 4. Planning Commission, March 23, 2023
 5. City Council, April 18, 2023
 6. City Council, May 2, 2023
 7. City Council, June 6, 2023
 8. City Council, August 15, 2023
 9. City Council, October 5, 2023
 10. Planning Commission, October 26, 2023
- D. Written Public Comment
- a. Diane Nichols, September 17, 2023
- E. SEPA
1. SEPA Checklist with City Response, March 2, 2023
 2. SEPA MDNS, March 8, 2023
- F. Agency Responses
1. Spokane Regional Health District, March 9, 2023
- G. Intent to Adopt
1. 60-Day Notice of Intent to Adopt, July 11, 2023
- H. Staff Report
1. Staff Report to Planning Commission, March 8, 2023
 2. Staff Report to City Council, April 11, 2023
 3. Staff Report to City Council, August 15, 2023
 4. Staff Report to Planning Commission, October 19, 2023
- I. Ordinance
1. Draft Ordinance 1115, August 15, 2023
 2. Draft Ordinance 1115, October 3, 2023
 3. Draft Ordinance 1115, October 17, 2023